

SURFACE TRANSPORTATION EXTENSION ACT OF 2011

FEBRUARY 28, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MICA, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 662]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 662) to provide an extensin of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

	Page
Purpose of the Legislation and Summary	1
Background and Need for the Legislation	2
Legislative History	2
Hearings	2
Committee Consideration	2
Committee Votes	3
Committee Oversight Findings	3
New Budget Authority and Tax Expenditures	3
Congressional Budget Office Cost Estimate	3
Performance Goals and Objectives	4
Advisory on Earmarks	4
Section-by-Section Analysis	4
Changes in Existing Law Made by the Bill, as Reported	10

PURPOSE OF THE LEGISLATION AND SUMMARY

H.R. 662, the “Surface Transportation Extension Act of 2011,” amends title 23 and title 49 of the United States Code, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (P.L. 109-59), to provide an extension of the Fed-

eral-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund until the end of fiscal year 2011 pending enactment of a multiyear law reauthorizing such programs.

BACKGROUND AND NEED FOR LEGISLATION

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was enacted in August of 2005 and reauthorized Federal surface transportation programs through September 30, 2009.

On September 30, 2009, SAFETEA-LU expired. A series of extensions of SAFETEA-LU were enacted in the 111th Congress to continue funding authority under SAFETEA-LU program structures. The latest extension, the Surface Transportation Extension Act of 2010, Part II (P.L. 111-322), will expire on March 4, 2011.

The Surface Transportation Extension Act of 2011 continues authorization of Federal highway, transit, and highway safety programs through the end of fiscal year 2011, at the same program funding levels as fiscal year 2009, the last year authorized by SAFETEA-LU. This authorization is necessary to allow funds that have been included in transportation appropriations legislation to flow to States and local transit agencies. Failure to pass this extension will cause expenditures for these Federal transportation program to cease from the Highway Trust Fund, essentially “turning off” Federal surface transportation funding until legislation is passed allowing such expenditures to be made.

LEGISLATIVE HISTORY

A series of six extensions were passed by the 111th Congress to continue the authorization for Federal highway, transit, and highway safety programs. On October 1, 2009, H.R. 2918 was signed into law (P.L. 111-68), extending these programs through October 31, 2009. On October 30, 2009, H.R. 2996 was signed into law (P.L. 111-88), extending these programs through December 18, 2009. On December 19, 2009, H.R. 3326 was signed into law (P.L. 111-118), extending these programs through February 28, 2010. On March 2, 2010, H.R. 4691 was signed into law (P.L. 111-144), extending these programs through March 28, 2010. On March 18, 2010, H.R. 2847 was signed into law (P.L. 111-147), extending these programs through December 31, 2010. On December 22, 2010, H.R. 3082 was signed into law (P.L. 111-322), extending these programs through March 4, 2011.

HEARINGS

The Committee on Transportation and Infrastructure held no hearings on H.R. 662.

COMMITTEE CONSIDERATION

On February 16, 2011, the Committee met in open session and ordered the bill H.R. 662 favorably reported without amendment, by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises there were no record votes during the Committee's consideration of H.R. 662.

COMMITTEE OVERSIGHT FINDINGS

Clause 3(c)(1) of rule XIII of the Rules of the House of Representatives is inapplicable because this bill merely extends current authorizations and does not authorize any new programs.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the total estimated funding levels for the programs included under H.R. 662 are the same funding levels authorized for such programs under current law in fiscal years 2009 and 2010. This legislation does not increase new budget authority above current enacted levels and does not authorize any new or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 662, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 25, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 662, the Surface Transportation Extension Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah Puro.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 662—Surface Transportation Extension Act of 2011

H.R. 662 would extend through September 30, 2011, the surface transportation programs originally authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU, Public Law 109-59). SAFETEA-LU was most recently extended in the Hiring Incentives to Restore Employment of 2010, Public Law 111-147. CBO estimates that enacting H.R. 662 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The bill would set the amount of contract authority (the authority to incur obligations in advance of appropriations, a mandatory form of budget authority) at \$52.7 billion for 2011. Consistent with

the rules in the Balanced Budget and Emergency Deficit Control Act for constructing the baseline, CBO assumes that funding provided by the bill would continue at the same rate in each of the following years. Hence, CBO estimates that enacting the bill would result in contract authority totaling \$580 billion over the 2011–2021 period. That funding level is identical to the contract authority currently projected in CBO’s baseline for the 2011–2021 period; consequently, enacting H.R. 662 would not provide additional budget authority above the amounts assumed under current law. CBO expects that most spending from surface transportation programs will continue to be controlled by limits on annual obligations set in appropriation acts.

H.R. 662 would authorize the appropriation of \$2.2 billion for three programs administered by the Federal Transit Administration for 2011. A full-year appropriation for those programs has not yet been enacted for fiscal year 2011. The annualized amount of the appropriation provided in the continuing resolution for those programs is equivalent to \$2.2 billion.

CBO has determined that the nontax provisions of H.R. 662 contain no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Sarah Puro. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 662 is intended to provide an extension of the Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund until the end of fiscal year 2011.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 662 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

SECTION-BY-SECTION ANALYSIS

The following describes the bill as reported by the Committee.

TITLE I—FEDERAL-AID HIGHWAYS

Section 101. Extension of Federal-Aid Highway Programs

Section 101(a). In general

Section 101(a) amends Section 411 of the Surface Transportation Extension Act of 2010 by striking the existing extension dates in each place it appears and extending the date through fiscal year 2011.

Section 101(b). Authorization of appropriations

Section 101(b) strikes “155/365 of” in Section 441(b)(2) of the Surface Transportation Extension Act of 2010.

Section 101(c). Use of funds

Section 101(c) strikes “155/365 of” and extends the existing extension dates through fiscal year 2011 in Section 411(c) of the Surface Transportation Extension Act of 2010.

Section 101(d). Extension and flexibility for certain allocated programs

Section 101(d) strikes “155/365 of” and replaces “2009” with “2010” in Section 411(d) of the Surface Transportation Extension Act of 2010.

Section 101(e). Extension of authorizations under Title V of SAFETEA-LU

Section 101(e) strikes “155/365 of” and extends the existing extension dates through fiscal year 2011 in Section 411(e) of the Surface Transportation Extension Act of 2010.

Section 101(f). Administrative expenses

Section 101(f) amends Section 412(a)(2) of the Surface Transportation Extension Act of 2010 to authorize appropriations out of the Highway Trust Fund for administrative expenses at \$422,425,000 through fiscal year 2011.

TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS

Section 201. Extension of National Highway Traffic Safety Administration highway safety programs

Section 201(a). Chapter 4 Highway Safety Programs

Section 201(a) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for programs, projects, and activities for fiscal year 2009 under Section 2001(a)(1) of SAFETEA-LU and title 23 of U.S. Code.

Section 201(b). Highway safety research and development

Section 201(b) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at \$108,244,000 for programs, projects, and activities for under Section 2001(a)(2) of SAFETEA-LU and title 23 of U.S. Code.

Section 201(c). Occupant protection incentive grants

Section 201(c) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for programs, projects, and activities for fiscal year 2009 under Section 2001(a)(3) of SAFETEA-LU and title 23 of U.S. Code.

Section 201(d). Safety belt performance grants

Section 201(d) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for programs, projects, and activities for fiscal year 2009 under Section 2001(a)(4) of SAFETEA-LU and title 23 of U.S. Code.

Section 201(e). State traffic safety information system improvements

Section 201(e) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for programs, projects, and activities for fiscal year 2009 under Section 2001(a)(5) of SAFETEA-LU and title 23 of U.S. Code.

Section 201(f). Alcohol-impaired driving countermeasures incentive grant program

Section 201(f) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for programs, projects, and activities for fiscal year 2009 under Section 2001(a)(6) of SAFETEA-LU and title 23 of U.S. Code.

Section 201(g). National Driver Register

Section 201(g) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at \$4,116,000 for programs, projects, and activities under Section 2001(a)(7) of SAFETEA-LU and title 49 of U.S. Code.

Section 201(h). High visibility enforcement program

Section 201(h) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for programs, projects, and activities for fiscal year 2009 in Section 2001(a)(8) of SAFETEA-LU and title 23 of U.S. Code.

Section 201(i). Motorcyclist safety

Section 201(i) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for programs, projects, and activities for fiscal year 2009 under Section 2001(a)(9) of SAFETEA-LU and title 23 of U.S. Code.

Section 201(j). Child safety and child booster seat safety incentive grants

Section 201(j) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for programs, projects, and activities for fiscal year 2009 under Section 2001(a)(10) of SAFETEA-LU and title 23 of U.S. Code.

Section 201(k). Administration expenses

Section 201(k) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at \$25,328,000 for administrative and operating expenses under Section 2001(a)(11) of SAFETEA-LU and title 23 of U.S. Code.

Section 202. Extension of Federal Motor Carrier Safety Administration programs

Section 202(a). Motor carrier safety grants

Section 202(a) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for programs, projects, and activities for fiscal year 2009 under Section 31104(a)(5) of title 49 of U.S. Code.

Section 202(b). Administrative expenses

Section 202(b) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at \$244,144,000 for administrative expenses under Section 31104(i)(1)(G) of title 49 of U.S. Code.

Section 202(c). Grant programs

Section 202(c) amends the following paragraphs.

Section 202(c)(1)

Section 202(c)(1) extends funding out of the Highway Trust Fund (other than the Mass Transit Account) through fiscal year 2011 for the “Commercial Driver’s License Program Improvement Grants” program under Section 31104(c)(1).

Section 202(c)(2)

Section 202(c)(2) extends funding out of the Highway Trust Fund (other than the Mass Transit Account) through fiscal year 2011 for the “Border Enforcement Grants” program under Section 31104(c)(2).

Section 202(c)(3)

Section 202(c)(3) extends funding out of the Highway Trust Fund (other than the Mass Transit Account) through fiscal year 2011 for the “Performance and Registration Information System Management Grant Program” under Section 31104(c)(3).

Section 202(c)(4)

Section 202(c)(4) extends funding out of the Highway Trust Fund (other than the Mass Transit Account) through fiscal year 2011 for the “Commercial Vehicle Information Systems and Networks Deployment” program under Section 31104(c)(4).

Section 202(c)(5)

Section 202(c)(5) extends funding out of the Highway Trust Fund (other than the Mass Transit Account) through fiscal year 2011 for the “Safety Data Improvement Grants” program under Section 31104(c)(5).

Section 202(d). High-priority activities

Section 202(d) extends funding out of the Highway Trust Fund (other than the Mass Transit Account) through fiscal year 2011 for programs, projects, and activities authorized under Section 31104(k)(2) of title 49 of U.S. Code.

Section 202(e). New entrant audits

Section 202(e) extends funding out of the Highway Trust Fund (other than the Mass Transit Account) through fiscal year 2011 for programs, projects, and activities authorized under Section 31144(g)(5)(B) of title 49 of U.S. Code.

Section 202(f). Commercial Driver's License Information System modernization

Section 202(f) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for programs, projects, and activities for fiscal year 2009 under Section 4123(d)(4) of SAFETEA-LU.

Section 202(g). Outreach and education

Section 202(g) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for Section 4127(e) of SAFETEA-LU.

Section 202(h). Grant program for commercial motor vehicle operators

Section 202(h) authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2011 at a sum equal to the total amount authorized for Section 4134(c) of SAFETEA-LU.

Section 202(i). Motor Carrier Safety Advisory Committee

Section 202(i) extends the termination date of the Motor Carrier Safety Advisory Committee to the end of fiscal year 2011.

Section 202(j). Working group for development of practices and procedures to enhance Federal-State relations

Section 202(j) extends the termination date of the working group to the end of fiscal year 2011.

TITLE III—PUBLIC TRANSPORTATION PROGRAMS

Section 301. Allocation of funds for planning programs

This section provides that the formula for allocating planning funds between metropolitan planning programs and State planning programs will continue through fiscal year 2011.

Section 302. Special rule for urbanized area formula grants

This section extends through fiscal year 2011 the special rule permitting some urbanized areas with populations over 200,000 to use a portion of their urbanized area formula grant funds for operations.

Section 303. Allocating amounts for capital investment grants

This section provides that the allocations for small starts, ferry boats, the fuel cell bus program, intermodal terminals and bus testing will continue at the 2009 authorized levels through fiscal year 2011.

Section 304. Apportionment of formula grants for other than urbanized areas

This section provides that the apportionment for the tribal transit program will continue at the 2009 authorized level through fiscal year 2011.

Section 305. Apportionment based on fixed guideway factors

This section provides that the apportionment for fixed guideway modernization will continue at the 2009 authorized levels through fiscal year 2011.

Section 306. Authorizations for public transportation

Subsection (a) amends 49 U.S.C. 5338(b), making funds available from the Mass Transit Account of the Highway Trust Fund for formula and bus grants through fiscal year 2011, to be continued at the 2009 authorized levels. Allocations of funds are provided to the following programs: Metropolitan and Statewide Planning (section 5305); Urbanized Area Formula Program (section 5307); Clean Fuels Grant Program (section 5308); Fixed Guideway Modernization (section 5309(m)(2)(B)); Bus and Bus-Related Equipment and Facilities (section 5309(m)(2)(C)); Elderly Individuals and Individuals with Disabilities (section 5310); Other Than Urbanized Area Formula Program (section 5311); Job Access and Reverse Commute (section 5316); New Freedom (section 5317); Paul S. Sarbanes Transit in the Parks Program (section 5320); National Transit Database (section 5335); Alternatives Analysis (section 5339); Growing States and High Density States (section 5340); and Over the Road Bus Accessibility Program (section 3038 of TEA-21).

Subsection (b) amends 49 U.S.C. 5338(c)(6), authorizing funds to be appropriated for Capital Investment Grants to carry out section 5309(m)(2)(A), continuing the program at the 2009 authorized level through fiscal year 2011.

Subsection (c) amends 49 U.S.C. 5338(d), authorizing funds to be appropriated for Research and University Research Centers continuing the program at the 2009 authorized level through fiscal year 2011. Language is included giving the Secretary of Transportation discretion to no longer fund a research project or activity in fiscal year 2011 if sufficient funds have already been received to carry out the purpose for which the project or activity was authorized.

Subsection (d) amends section 5338(e), authorizing funds to be appropriated for FTA administrative expenses, continuing at the 2009 authorized levels through fiscal year 2011.

Section 307. Amendments to SAFETEA-LU

This section extends the following programs authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) through fiscal year 2011 at the 2009 authorized levels.

Subsection (a) extends the Contracted Paratransit Pilot Program authorized under section 3009(i)(1) of SAFETEA-LU.

Subsection (b) extends the Public-Private Partnership Pilot Program authorized under section 3011(c) of SAFETEA-LU.

Subsection (c) extends the Elderly Individuals and Individuals with Disabilities Pilot Program authorized under section 3012(b)(8) of SAFETEA-LU.

Subsection (d) amends section 3040 of SAFETEA-LU to authorize a Federal Transit Administration programmatic obligation ceiling for fiscal year 2011 at \$10,507,752,000, the same obligation ceiling as was authorized for fiscal year 2009.

Subsection (e) extends project authorizations for new fixed guideway capital projects entering preliminary engineering and final design under section 3043 of SAFETEA-LU.

Subsection (f) extends project allocations for National Research and Technology Programs under section 3046 of SAFETEA-LU. Projects that the Department of Transportation has reported to Congress as being completed are not allocated extended funding.

Section 308. Level of obligation limitation

This section amends section 8003 of SAFETEA-LU to set the obligation limitation levels for the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 for the highway category and mass transit category for fiscal year 2011, at the same levels established for fiscal years 2009 and 2010.

TITLE IV—EXTENSION OF EXPENDITURE AUTHORITY

Section 401. Extension of expenditure authority

This section extends the Highway Trust Fund and Sport Fish Restoration and Boating Trust Fund expenditure authority from its current expiration on March 5, 2011 through October 1, 2011.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SURFACE TRANSPORTATION EXTENSION ACT OF 2010

* * * * *

**TITLE IV—EXTENSION OF CURRENT
SURFACE TRANSPORTATION PRO-
GRAMS**

* * * * *

Subtitle A—Federal-Aid Highways

SEC. 411. IN GENERAL.

(a) IN GENERAL.—Except as provided in this Act, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface

Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), are incorporated by reference and shall continue in effect until [March 4, 2011] *September 30, 2011*.

(b) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in section 412, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) * * *

(2) for [the period beginning on October 1, 2010, and ending on March 4, 2011] *fiscal year 2011*, a sum equal to [¹⁵⁵/₃₆₅ of] the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title).

(c) USE OF FUNDS.—

(1) * * *

(2) FISCAL YEAR 2011.—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(2) for [the period beginning on October 1, 2010, and ending on March 4, 2011,] *fiscal year 2011* shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as [¹⁵⁵/₃₆₅ of] the total amount of funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

* * * * *

(4) CONTRACT AUTHORITY.—

(A) IN GENERAL.—Except as provided in subparagraph

(B), funds authorized to be appropriated under this section shall be available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and—

(i) * * *

(ii) for [the period beginning on October 1, 2010, and ending on March 4, 2011] *fiscal year 2011*, shall be subject to a limitation on obligations included in an Act making appropriations for fiscal year 2011 or a portion of that fiscal year[, except that during such period obligations subject to such limitation shall not exceed ¹⁵⁵/₃₆₅ of the limitation on obligations included in an Act making appropriations for fiscal year 2011].

(B) EXCEPTIONS.—A limitation on obligations described in clause (i) or (ii) of subparagraph (A) shall not apply to any obligation under—

(i) * * *

(ii) section 105 of title 23, United States Code—

(I) * * *

(II) for [the period beginning on October 1, 2010, and ending on March 4, 2011] *fiscal year 2011*, only in an amount equal to [\$271,356,164] \$639,000,000.

[(5) CALCULATIONS FOR DISTRIBUTION OF OBLIGATION LIMITATION.—Upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2011 (other than an Act or resolution making continuing appropriations), the Secretary shall—

[(A) as necessary for purposes of making the calculations for the distribution of any obligation limitation under such Act, annualize the amount of contract authority provided under this Act for Federal-aid highways and highway safety construction programs; and

[(B) multiply the resulting distribution of any obligation limitation under such Act by ¹⁵⁵/₃₆₅.]

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—

(1) * * *

(2) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for [the period beginning on October 1, 2010, and ending on March 4, 2011] *fiscal year 2011*, the portion of the share of funds of a State under subsection (b)(2) determined by [¹⁵⁵/₃₆₅ of] the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA-LU (119 Stat. 1198, 1204, 1217, 1256, and 1485) and section 144(f)(1) of title 23, United States Code, shall be—

(A) * * *

* * * * *

(3) TERRITORIES AND PUERTO RICO.—

(A) * * *

(B) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for [the period beginning on October 1, 2010, and ending on March 4, 2011] *fiscal year 2011*, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(2) determined by [¹⁵⁵/₃₆₅ of] the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA-LU (119 Stat. 1485), shall be—

(i) * * *

* * * * *

(4) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under subsection (c), or paragraph (1) or (2) of this subsection, that the Secretary of Transportation determines was sufficiently funded before or during fiscal year [2009] 2010 to achieve the authorized purpose of the project or activity.

* * * * *

(e) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.—

(1) IN GENERAL.—The programs authorized under paragraphs (1) through (5) of section 5101(a) of the SAFETEA-LU (119 Stat. 1779) shall be continued—

(A) * * *

(B) for [the period beginning on October 1, 2010, and ending on March 4, 2011] *fiscal year 2011*, at [¹⁵⁵/₃₆₅] the funding levels authorized for those programs for fiscal year 2009.

(2) DISTRIBUTION OF FUNDS.—Funds for programs continued under paragraph (1) shall be distributed to major program areas under those programs in the same proportions as funds were allocated for those program areas for fiscal year 2009, except that designations for specific activities shall not be required to be continued for—

(A) * * *

(B) [the period beginning on October 1, 2010, and ending on March 4, 2011] *fiscal year 2011*.

(3) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under this subsection that the Secretary of Transportation determines was sufficiently funded before or during fiscal year [2009] *2010* to achieve the authorized purpose of the project or activity.

* * * * *

SEC. 412. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Notwithstanding any other provision of this Act or any other law, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), from amounts provided under section 411, for administrative expenses of the Federal-aid highway program—

(1) * * *

[(2) \$179,385,959 for the period beginning on October 1, 2010, and ending on March 4, 2011.]

(2) \$422,425,000 for *fiscal year 2011*.

* * * * *

SAFETEA-LU

* * * * *

TITLE II—HIGHWAY SAFETY

SEC. 2001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, \$163,680,000 for fiscal year 2005, \$217,000,000 for fiscal year 2006, \$220,000,000 for fiscal year 2007, \$225,000,000 for fiscal year 2008, \$235,000,000 for

fiscal year 2009, \$235,000,000 for fiscal year 2010, [and \$99,795,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.] *and \$235,000,000 for fiscal year 2011.*

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code, \$71,424,000 for fiscal year 2005, \$110,000,000 for fiscal year 2006, \$107,750,000 for fiscal year 2007, \$107,750,000 for fiscal year 2008, \$105,500,000 for fiscal year 2009, \$107,329,000 for fiscal year 2010, [and \$45,967,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.] *and \$108,244,000 for fiscal year 2011.*

(3) OCCUPANT PROTECTION INCENTIVE GRANTS.—For carrying out section 405 of title 23, United States Code, \$19,840,000 for fiscal year 2005, \$25,000,000 for fiscal year 2006, \$25,000,000 for fiscal year 2007, \$25,000,000 for fiscal year 2008, \$25,000,000 for fiscal year 2009, \$25,000,000 for fiscal year 2010, [and \$10,616,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.] *and \$25,000,000 for fiscal year 2011.*

(4) SAFETY BELT PERFORMANCE GRANTS.—For carrying out section 406 of title 23, United States Code, \$124,500,000 for fiscal year 2006, \$124,500,000 for fiscal year 2007, \$124,500,000 for fiscal year 2008, \$124,500,000 for fiscal year 2009, \$124,500,000 for fiscal year 2010, [and \$52,870,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.] *and \$124,500,000 for fiscal year 2011.*

(5) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—For carrying out section 408 of title 23, United States Code, \$34,500,000 for fiscal year 2006, \$34,500,000 for fiscal year 2007, \$34,500,000 for fiscal year 2008, \$34,500,000 for fiscal year 2009, \$34,500,000 for fiscal year 2010, [and \$14,651,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.] *and \$34,500,000 for fiscal year 2011.*

(6) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—For carrying out section 410 of title 23, United States Code, \$39,680,000 for fiscal year 2005, \$120,000,000 for fiscal year 2006, \$125,000,000 for fiscal year 2007, \$131,000,000 for fiscal year 2008, \$139,000,000 for fiscal year 2009, \$139,000,000 for fiscal year 2010, [and \$59,027,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.] *and \$139,000,000 for fiscal year 2011.*

(7) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code, \$3,968,000 for fiscal year 2005, \$4,000,000 for fiscal year 2006, \$4,000,000 for fiscal year 2007, \$4,000,000 for fiscal year 2008, \$4,000,000 for fiscal year 2009, \$4,078,000 for fiscal year 2010, [and \$1,748,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.] *and \$4,116,000 for fiscal year 2011.*

(8) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2009 of this title \$29,000,000 for fiscal year 2006, \$29,000,000 for fiscal year 2007, \$29,000,000 for fiscal year 2008, \$29,000,000 for fiscal year 2009, \$29,000,000 for fiscal

year 2010, [and \$12,315,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.] *and \$29,000,000 for fiscal year 2011.*

(9) MOTORCYCLIST SAFETY.—For carrying out section 2010 of this title \$6,000,000 for fiscal year 2006, \$6,000,000 for fiscal year 2007, \$6,000,000 for fiscal year 2008, \$7,000,000 for fiscal year 2009, \$7,000,000 for fiscal year 2010, [and \$2,973,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.] *and \$7,000,000 for fiscal year 2011.*

(10) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—For carrying out section 2011 of this title \$6,000,000 for fiscal year 2006, \$6,000,000 for fiscal year 2007, \$6,000,000 for fiscal year 2008, \$7,000,000 for fiscal year 2009, \$7,000,000 for fiscal year 2010, [and \$2,973,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.] *and \$7,000,000 for fiscal year 2011.*

(11) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this title \$17,500,000 for fiscal year 2006, \$17,750,000 for fiscal year 2007, \$18,250,000 for fiscal year 2008, \$18,500,000 for fiscal year 2009, \$25,047,000 for fiscal year 2010, [and \$10,756,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.] *and \$25,328,000 for fiscal year 2011.*

* * * * *

TITLE III—PUBLIC TRANSPORTATION

* * * * *

SEC. 3009. URBANIZED AREA FORMULA GRANTS.

(a) * * *

* * * * *

(i) CONTRACTED PARATRANSIT PILOT.—

(1) IN GENERAL.—Notwithstanding section 5302(a)(1)(I) of title 49, United States Code, for fiscal years 2005 through [2010, and for the period beginning October 1, 2010, and ending March 4, 2011] 2011, a recipient of assistance under section 5307 of such title in urbanized areas with a population of 558,329 or 747,003 according to the 2000 decennial census of population may use not more than 20 percent of such recipient's annual formula apportionment under section 5307 of such title for the provision of nonfixed route paratransit services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only if the grant recipient is in compliance with applicable requirements of that Act, including both fixed route and demand responsive service and the service is acquired by contract.

* * * * *

SEC. 3011. CAPITAL INVESTMENT GRANTS.

(a) * * *

* * * * *

(c) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—

(1) * * *

* * * * *

(5) PROGRAM TERM.—The Secretary may approve an application of a recipient for a public-private partnership for fiscal years 2006 through **2010** and the period beginning October 1, 2010, and ending March 4, 2011 **2011**.

* * * * *

(d) RESTRICTIONS ON USE OF BUS CATEGORY FUNDS FOR FIXED GUIDEWAY PROJECTS.—Funds provided to grantees under the bus and bus facility category for fixed guideway ferry and gondola projects in the Department of Transportation and Related Agencies Appropriations Acts for any of fiscal years 1998 through 2005, or accompanying committee reports, that remain available and unobligated may be used for new fixed guideway capital projects under section 5309 of title 49, United States Code. Funds made available to the same grantees for similar projects under the bus and bus facility category of section 5309 of title 49, United States Code, in fiscal years 2006 through **2010**, and for the period beginning October 1, 2010, and ending March 4, 2011 **2011** may be used for fixed guideway projects under that section.

* * * * *

SEC. 3012. FORMULA GRANTS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) * * *

(b) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—

(1) * * *

* * * * *

(8) SUNSET.—This subsection shall cease to be effective on **March 4, 2011** *September 30, 2011*.

* * * * *

SEC. 3040. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by, and amounts appropriated under, subsections (a) through (f) of section 5338 of title 49, United States Code, shall not exceed—

(1) * * *

* * * * *

[(7) \$4,462,196,000 for the period beginning October 1, 2010, and ending March 4, 2011, of which not more than \$3,550,376,000 shall be from the Mass Transit Account.]

(7) \$10,507,752,000 for fiscal year 2011, of which not more than \$8,360,565,000 shall be from the Mass Transit Account.

* * * * *

SEC. 3043. PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.

(a) * * *

(b) **FINAL DESIGN AND CONSTRUCTION.**—The following projects are authorized for final design and construction for fiscal years 2005 through **2010**, and for the period beginning October 1, 2010, and ending March 4, 2011, **2011** under paragraphs (1)(A) and (2)(A) of section 5309(m) of title 49, United States Code:

(1) * * *

* * * * *

(c) **PRELIMINARY ENGINEERING.**—The following projects are authorized for preliminary engineering for fiscal years 2005 through **2010**, and for the period beginning October 1, 2010, and ending March 4, 2011, **2011** under paragraphs (1)(A) and (2)(A) of section 5309(m) of title 49, United States Code:

(1) * * *

* * * * *

SEC. 3046. ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.

(a) * * *

(b) **REMAINDER.**—After making allocations under subsection (a), the remainder of funds made available by section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 for a fiscal year **or period** shall be allocated at the discretion of the Secretary to other transit research, development, demonstration and deployment projects authorized by sections 5312, 5314, and 5322 of such title.

[(c) ADDITIONAL APPROPRIATIONS.—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title—

[(1) for fiscal year 2010, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a); and

[(2) for the period beginning October 1, 2010, and ending March 4, 2011, in amounts equal to ¹⁵⁵/₃₆₅ths of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).]

(c) ADDITIONAL APPROPRIATIONS.—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title for fiscal years 2010 and 2011, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), and (8) through (25) of subsection (a).

* * * * *

TITLE IV—MOTOR CARRIER SAFETY

* * * * *

Subtitle A—Commercial Motor Vehicle Safety

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

(a) * * *

(c) GRANT PROGRAMS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) the following sums for the following Federal Motor Carrier Safety Administration programs:

(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—For commercial driver's license program improvement grants under section 31313 of title 49, United States Code \$25,000,000 for each of fiscal years 2006 through [2009, \$25,000,000 for fiscal year 2010, and \$10,616,000 for the period beginning October 1, 2010, and ending on March 4, 2011] 2011.

(2) BORDER ENFORCEMENT GRANTS.—For border enforcement grants under section 31107 of such title \$32,000,000 for each of fiscal years 2006[, 2007, 2008, and 2009, \$32,000,000 for fiscal year 2010, and \$13,589,000 for the period beginning October 1, 2010, and ending on March 4, 2011] *through 2011*.

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—For the performance and registration information system management grant program under section 31109 of such title \$5,000,000 for each of fiscal years 2006[, 2007, 2008, and 2009, \$5,000,000 for fiscal year 2010, and \$2,123,000 for the period beginning October 1, 2010, and ending on March 4, 2011] *through 2011*.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act, \$25,000,000 for each of fiscal years 2006 through [2009, \$25,000,000 for fiscal year 2010, and \$10,616,000 for the period beginning October 1, 2010, and ending on March 4, 2011] 2011.

(5) SAFETY DATA IMPROVEMENT GRANTS.—For safety data improvement grants under section 4128 of this Act \$2,000,000 for fiscal year 2006 and \$3,000,000 for each of fiscal years 2007 through [2009, \$3,000,000 for fiscal year 2010, and \$1,274,000 for the period beginning October 1, 2010, and ending on March 4, 2011] 2011.

* * * * *

SEC. 4123. COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.

(a) * * *

* * * * *

(d) FUNDING.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

(1) * * *

* * * * *

[(6) and \$3,397,260 for the period beginning October 1, 2010, and ending on March 4, 2011.]

(6) \$8,000,000 for fiscal year 2011.

* * * * *

SEC. 4127. OUTREACH AND EDUCATION.

(a) * * *

* * * * *

(e) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available \$1,000,000 to the Federal Motor Carrier Safety Administration, and \$3,000,000 to the National Highway Traffic Safety Administration, for each of fiscal years 2006, 2007, 2008, 2009, [2010, and \$425,545 to the Federal Motor Carrier Safety Administration, and \$1,274,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2010, and ending on March 4, 2011,] 2010, and 2011 to carry out this section (other than subsection (f)).

* * * * *

SEC. 4134. GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) * * *

* * * * *

(c) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available \$1,000,000 for each of fiscal years 2005 through [2009, 2010, and \$425,545 for the period beginning on October 1, 2010, and ending on March 4, 2011,] 2011 to carry out this section.

* * * * *

SEC. 4144. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

(a) * * *

* * * * *

(d) TERMINATION DATE.—Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the advisory committee shall terminate on [March 4, 2011] September 30, 2011.

* * * * *

Subtitle B—Household Goods Transportation

* * * * *

SEC. 4213. WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.

(a) * * *

* * * * *

(d) TERMINATION DATE.—The working group shall remain in effect until [March 4, 2011] September 30, 2011.

* * * * *

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

* * * * *

Subtitle A—General Authorities on Transportation of Hazardous Materials

* * * * *

SEC. 7131. HAZARDOUS MATERIALS RESEARCH PROJECTS.

(a) * * *

* * * * *

(c) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, \$1,250,000 for each of fiscal years 2006 **through 2010** and \$531,000 for the period beginning on October 1, 2010, and ending on March 4, 2011 **through 2011** shall be available to carry out this section.

* * * * *

TITLE VIII—TRANSPORTATION DISCRE- TIONARY SPENDING GUARANTEE

* * * * *

SEC. 8003. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the highway category is—

(1) * * *

* * * * *

(5) for fiscal year 2009, \$42,469,970,178; **and**

(6) for fiscal year 2010, \$42,469,970,178 **and**

for the period beginning October 1, 2010, and ending on March 4, 2011, \$18,035,192,815.

(7) for fiscal year 2011, \$42,469,970,178.

(b) MASS TRANSIT CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category is—

(1) * * *

* * * * *

(5) for fiscal year 2009, \$10,338,065,000; **and**

(6) for fiscal year 2010, \$10,338,065,000 **and**

for the period beginning October 1, 2010, and ending on March 4, 2011, \$4,390,137,192.

(7) for fiscal year 2011, \$10,338,065,000.

For purposes of this subsection, the term “obligation limitations” means the sum of budget authority and obligation limitations.

* * * * *

TITLE 49, UNITED STATES CODE

* * * * *

**SUBTITLE III—GENERAL AND INTERMODAL
PROGRAMS**

* * * * *

CHAPTER 53—PUBLIC TRANSPORTATION

* * * * *

§ 5305. Planning programs

(a) * * *

* * * * *

(g) **ALLOCATION OF FUNDS.**—Of the funds made available by or appropriated to carry out this section under section 5338(c) for fiscal years 2005 through **2010**, and for the period beginning October 1, 2010, and ending March 4, 2011, **2011**—

(1) * * *

* * * * *

§ 5307. Urbanized area formula grants

(a) * * *

(b) **GENERAL AUTHORITY.**—

(1) * * *

(2) **[SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING MARCH 4, 2011]** *SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011.*—

(A) **INCREASED FLEXIBILITY.**—The Secretary may award grants under this section, from funds made available to carry out this section for each of the fiscal years 2005 through **2010**, and the period beginning October 1, 2010, and ending March 4, 2011, **2011**, to finance the operating cost of equipment and facilities for use in public transportation in an urbanized area with a population of at least 200,000, as determined by the 2000 decennial census of population, if—

(i) * * *

* * * * *

(E) **[MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING MARCH 4, 2011.**—In fiscal years 2008 through 2010, and during the period beginning October 1, 2010, and ending March 4, 2011, **MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011.**—*In each of fiscal years 2008 through 2011—*

(i) * * *

* * * * *

§ 5309. Capital investment grants

(a) * * *

* * * * *

(m) ALLOCATING AMOUNTS.—

(1) * * *

(2) **【FISCAL YEARS 2006 THROUGH 2010 AND OCTOBER 1, 2010, THROUGH MARCH 4, 2011.—】** *FISCAL YEARS 2006 THROUGH 2011.*—The amounts made available or appropriated for fiscal years 2006 through **【2010, and during the period beginning October 1, 2010, and ending March 4, 2011,】** *2011* under sections 5338(b) and 5338(c) shall be allocated as follows:

(A) CAPITAL INVESTMENT GRANTS.—Of the amounts appropriated under section 5338(c)—

(i) \$200,000,000 for each of fiscal years 2007 through **【2010, and \$84,931,000 for the period beginning October 1, 2010 and ending March 4, 2011,】** *2011* shall be allocated for projects for new fixed guideway capital projects of less than \$75,000,000 in accordance with subsection (e); and

* * * * *

(6) FUNDING FOR FERRY BOATS.—Of the amounts described in paragraphs (1)(A) and (2)(A)—

(A) * * *

(B) \$15,000,000 shall be available in each of fiscal years 2006 through **【2010, and \$6,369,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011,】** *2011* for capital projects in Alaska and Hawaii for new fixed guideway ferry systems and extension projects utilizing ferry boats, ferry boat terminals, or approaches to ferry boat terminals; and

(C) \$5,000,000 shall be available for each of fiscal years 2006 though **【2010, and \$2,123,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011,】** *2011* for payments to the Denali Commission under the terms of section 307(e) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note) for docks, waterfront development projects, and related transportation infrastructure.

(7) BUS AND BUS FACILITY GRANTS.—The amounts made available under paragraphs (1)(C) and (2)(C) shall be allocated as follows:

【(A) FERRY BOAT SYSTEMS.—

【(i) FISCAL YEARS 2006 THROUGH 2010.—\$10,000,000 shall be available in each of fiscal years 2006 through 2010】

(A) *FERRY BOAT SYSTEMS.—\$10,000,000 shall be available in each of fiscal years 2006 through 2011 for ferry boats or ferry terminal facilities. Of such funds, the following amounts shall be set aside for each fiscal year:*

【(I) (i) \$2,500,000 for the San Francisco Water Transit Authority.

【(II) (ii) \$2,500,000 for the Massachusetts Bay Transportation Authority Ferry System.

【(III) (iii) \$1,000,000 for the Camden, New Jersey Ferry System.

[(IV)] (iv) \$1,000,000 for the Governor's Island, New York Ferry System.

[(V)] (v) \$1,000,000 for the Philadelphia Penn's Landing Ferry Terminal.

[(VI)] (vi) \$1,000,000 for the Staten Island Ferry.

[(VII)] (vii) \$650,000 for the Maine State Ferry Service, Rockland.

[(VIII)] (viii) \$350,000 for the Swans Island, Maine Ferry Service.

[(ii)] SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH MARCH 4, 2011.—\$4,246,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011, for ferry boats or ferry terminal facilities. The Secretary shall set aside a portion of such amount in accordance with clause (i), except that the Secretary shall set aside $\frac{155}{365}$ ths of each dollar amount specified in subclauses (I) through (VIII).]

(B) FUEL CELL BUS PROGRAM.—The following amounts shall be set aside for the national fuel cell bus technology development program under section 3045 of the Federal Public Transportation Act of 2005:

(i) * * *

* * * * *

(v) \$13,500,000 for fiscal year 2010. \$5,732,000 [for the period beginning October 1, 2010 and ending March 4, 2011].

(vi) \$13,500,000 for fiscal year 2011.

(C) PROJECTS NOT IN URBANIZED AREAS.—Not less than 5.5 percent shall be available in each fiscal year, and during the period beginning October 1, 2010, and ending March 4, 2011, for projects that are not in urbanized areas.

(D) INTERMODAL TERMINALS.—Not less than \$35,000,000 shall be available in each fiscal year[, and not less than \$14,863,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011,] for intermodal terminal projects, including the intercity bus portion of such projects.

(E) BUS TESTING.—\$3,000,000 shall be available in each fiscal year[, and \$1,273,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011,] for bus testing under section 5318.

* * * * *

§ 5311. Formula grants for other than urbanized areas

(a) * * *

* * * * *

(c) APPORTIONMENTS.—

(1) PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—Of the amounts made available or appropriated for each fiscal year pursuant to subsections (a)(1)(C)(v) and (b)(2)(G) of section 5338, the following amounts shall be apportioned for grants to Indian tribes for any purpose eligible under this sec-

tion, under such terms and conditions as may be established by the Secretary:

(A) * * *

* * * * *

[(F) \$6,369,000 for the period beginning October 1, 2010 and ending March 4, 2011.]

(F) \$15,000,000 for fiscal year 2011.

* * * * *

§ 5337. Apportionment based on fixed guideway factors

(a) DISTRIBUTION.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 2005 through [2010] 2011 as follows:

(1) * * *

* * * * *

[(g) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH MARCH 4, 2011.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning October 1, 2010, and ending March 4, 2011, in accordance with subsection (a), except that the Secretary shall apportion ¹⁵/₃₆₅ths of each dollar amount specified in subsection (a).]

§ 5338. Authorizations

(a) * * *

(b) FORMULA AND BUS GRANTS.—

(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of the Federal Transit Act of 1998 (112 Stat. 387 et seq.)—

(A) * * *

* * * * *

[(F) \$3,550,376,000 for the period beginning October 1, 2010, and ending March 4, 2011.]

(F) \$8,360,565,000 for fiscal year 2011.

(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

(A) \$95,000,000 for fiscal year 2006, \$99,000,000 for fiscal year 2007, \$107,000,000 for fiscal year 2008, \$113,500,000 for each of fiscal years 2009 and 2010, and [\$48,198,000 for the period beginning October 1, 2010 and ending March 4, 2011,] \$113,500,000 for fiscal year 2011 shall be available to carry out section 5305;

(B) \$3,466,681,000 for fiscal year 2006, \$3,606,175,000 for fiscal year 2007, \$3,910,843,000 for fiscal year 2008, \$4,160,365,000 for each of fiscal years 2009 and 2010, and [\$1,766,730,000 for the period beginning October 1, 2010, and ending March 4, 2011,] \$4,160,365,000 for fiscal year 2011 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

(C) \$43,000,000 for fiscal year 2006, \$45,000,000 for fiscal year 2007, \$49,000,000 for fiscal year 2008,

\$51,500,000 for each of fiscal years 2009 and 2010, and ~~【\$21,869,000 for the period beginning October 1, 2010 and ending March 4, 2011,】~~ *\$51,500,000 for fiscal year 2011* shall be available to carry out section 5308;

(D) \$1,391,000,000 for fiscal year 2006, \$1,448,000,000 for fiscal year 2007, \$1,570,000,000 for fiscal year 2008, \$1,666,500,000 for each of fiscal years 2009 and 2010, and ~~【\$707,691,000 for the period beginning October 1, 2010 and ending March 4, 2011,】~~ *\$1,666,500,000 for fiscal year 2011* shall be allocated in accordance with section 5337 to provide financial assistance under section 5309(m)(2)(B);

(E) \$822,250,000 for fiscal year 2006, \$855,500,000 for fiscal year 2007, \$927,750,000 for fiscal year 2008, \$984,000,000 for each of fiscal years 2009 and 2010, and ~~【\$417,863,000 for the period beginning October 1, 2010 and ending March 4, 2011,】~~ *\$984,000,000 for fiscal year 2011* shall be available to carry out section 5309(m)(2)(C);

(F) \$112,000,000 for fiscal year 2006, \$117,000,000 for fiscal year 2007, \$127,000,000 for fiscal year 2008, \$133,500,000 for each of fiscal years 2009 and 2010, and ~~【\$56,691,000 for the period beginning October 1, 2010 and ending March 4, 2011,】~~ *\$133,500,000 for fiscal year 2011* shall be available to provide financial assistance for services for elderly persons and persons with disabilities under section 5310;

(G) \$388,000,000 for fiscal year 2006, \$404,000,000 for fiscal year 2007, \$438,000,000 for fiscal year 2008, \$465,000,000 for each of fiscal years 2009 and 2010, and ~~【\$197,465,000 for the period beginning October 1, 2010 and ending March 4, 2011,】~~ *\$465,000,000 for fiscal year 2011* shall be available to provide financial assistance for other than urbanized areas under section 5311;

(H) \$138,000,000 for fiscal year 2006, \$144,000,000 for fiscal year 2007, \$156,000,000 for fiscal year 2008, \$164,500,000 for each of fiscal years 2009 and 2010, and ~~【\$69,856,000 for the period beginning October 1, 2010 and ending March 4, 2011,】~~ *\$164,500,000 for fiscal year 2011* shall be available to carry out section 5316;

(I) \$78,000,000 for fiscal year 2006, \$81,000,000 for fiscal year 2007, \$87,500,000 for fiscal year 2008, \$92,500,000 for each of fiscal years 2009 and 2010, and ~~【\$39,280,000 for the period beginning October 1, 2010 and ending March 4, 2011,】~~ *\$92,500,000 for fiscal year 2011* shall be available to carry out section 5317;

(J) \$22,000,000 for fiscal year 2006, \$23,000,000 for fiscal year 2007, \$25,000,000 for fiscal year 2008, \$26,900,000 for each of fiscal years 2009 and 2010, and ~~【\$11,423,000 for the period beginning October 1, 2010 and ending March 4, 2011,】~~ *\$26,900,000 for fiscal year 2011* shall be available to carry out section 5320;

(K) \$3,500,000 in fiscal year 2006; \$3,500,000 in fiscal year 2007; \$3,500,000 in fiscal year 2008; \$3,500,000 for each of fiscal years 2009 and 2010, and ~~【\$1,486,000 for the period beginning October 1, 2010 and ending March 4,~~

2011,] \$3,500,000 for fiscal year 2011 shall be available to carry out section 5335;

(L) \$25,000,000 in fiscal year 2006; \$25,000,000 in fiscal year 2007; \$25,000,000 in fiscal year 2008; \$25,000,000 for each of fiscal years 2009 and 2010, and [\$10,616,000 for the period beginning October 1, 2010 and ending March 4, 2011,] \$25,000,000 for fiscal year 2011 shall be available to carry out section 5339;

(M) \$388,000,000 for fiscal year 2006, \$404,000,000 for fiscal year 2007, \$438,000,000 for fiscal year 2008, \$465,000,000 for each of fiscal years 2009 and 2010, and [\$197,465,000 for the period beginning October 1, 2010 and ending March 4, 2011,] \$465,000,000 for fiscal year 2011 shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and other than urbanized areas under section 5311; and

(N) \$7,500,000 for fiscal year 2006, \$7,600,000 for fiscal year 2007, \$8,300,000 for fiscal year 2008, \$8,800,000 for each of fiscal years 2009 and 2010, and [\$3,736,000 for the period beginning October 1, 2010 and ending March 4, 2011,] \$8,800,000 for fiscal year 2011 shall be available to carry out section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

(c) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309(m)(2)(A)—

(1) * * *

* * * * *

[(6) \$849,315,000 for the period of October 1, 2010 through March 4, 2011.]

(6) \$2,000,000,000 for fiscal year 2011.

(d) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out transit cooperative research programs under section 5313, the National Transit Institute under section 5315, university research centers under section 5506, and national research programs under sections 5312, 5313, 5314, and 5322 \$58,000,000 for fiscal year 2006, \$61,000,000 for fiscal year 2007, \$65,500,000 for fiscal year 2008, \$69,750,000 for each of fiscal years 2009 and 2010, and [\$29,619,000 for the period beginning October 1, 2010 and ending March 4, 2011,] \$69,750,000 for fiscal year 2011 of which—

(A) \$9,000,000 for fiscal year 2006, \$9,300,000 for fiscal year 2007, \$9,600,000 for fiscal year 2008, and \$10,000,000 for [fiscal year 2009] each of fiscal years 2009, 2010, and 2011 shall be allocated to carry out transit cooperative research programs under section 5313;

* * * * *

(2) UNIVERSITY CENTERS PROGRAM.—

(A) ALLOCATION.—Of the amounts allocated under paragraph (1)(C), the following amounts shall be available to provide transportation research, training, and curriculum development:

(i) \$2,000,000 for each of fiscal years 2006 through **[2009] 2011** for the University of Tennessee--Knoxville National Transportation Research Center.

(ii) \$1,500,000 for each of fiscal years 2006 through **[2009] 2011** for Texas A&M University--Texas Transportation Institute.

(iii) \$1,000,000 for each of fiscal years 2006 through **[2009] 2011** for Morgan State University.

* * * * *

(v) \$550,000 for each of fiscal years 2006 and 2007 and \$650,000 for each of fiscal years 2008 **[and 2009] through 2011** for the University Transportation Center at the University of Alabama.

(vi) \$450,000 for each of fiscal years 2006 and 2007 and \$550,000 for each of fiscal years 2008 **[and 2009] through 2011** for the Injury Control Research Center at the University of Alabama Birmingham.

(vii) \$550,000 for each of fiscal years 2006 and 2007 and \$650,000 for each of fiscal years 2008 **[and 2009] through 2011** for the Jackson State University Intermodal Transportation Institute at the Jackson State University.

(viii) \$550,000 for each of fiscal years 2006 and 2007 and \$650,000 for each of fiscal years 2008 **[and 2009] through 2011** for the University Transportation Center at the University of Denver/Mississippi State University.

* * * * *

[(3) ADDITIONAL AUTHORIZATIONS.—

[(A) IN GENERAL.—

[(i) FISCAL YEAR 2010.—Of amounts authorized to be appropriated for fiscal year 2010 under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to the amount allocated for fiscal year 2009 under each such subparagraph.

[(ii) OCTOBER 1, 2010 THROUGH MARCH 4, 2011.—Of amounts authorized to be appropriated for the period beginning October 1, 2010, through March 4, 2011, under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to $\frac{155}{365}$ ths of the amount allocated for fiscal year 2009 under each such subparagraph.

[(B) UNIVERSITY CENTERS PROGRAM.—

[(i) FISCAL YEAR 2010.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for fiscal year 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to the amount allocated for fiscal year 2009 under each such clause.

[(ii) OCTOBER 1, 2010 THROUGH MARCH 4, 2011.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning October 1, 2010, and ending March 4, 2011, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to $\frac{155}{365}$ ths of the amount allocated for fiscal year 2009 under each such clause.

[(iii) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2010, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) or (ii) for the project or activity for fiscal year 2011, or any subsequent fiscal year.]

(3) *FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2010, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under paragraph (2) for the project or activity for fiscal year 2011, or any subsequent fiscal year.*

(e) ADMINISTRATION.—There is authorized to be appropriated to carry out section 5334—

(1) * * *

* * * * *

[(6) \$42,003,000 for the period of October 1, 2010 through March 4, 2011.]

(6) *\$98,911,000 for fiscal year 2011.*

* * * * *

SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

* * * * *

PART B—COMMERCIAL

* * * * *

CHAPTER 311—COMMERCIAL MOTOR VEHICLE SAFETY

SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS PROGRAMS

* * * * *

§ 31104. Availability of amounts

(a) IN GENERAL.—Subject to subsection (f), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 31102—

(1) * * *

* * * * *

[(7) \$88,753,000 for the period beginning October 1, 2010, and ending on March 4, 2011.]

(7) \$209,000,000 for fiscal year 2011.

* * * * *

(i) ADMINISTRATIVE EXPENSES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

(A) * * *

* * * * *

[(G) \$103,678,000 for the period beginning October 1, 2010, and ending on March 4, 2011.]

(G) \$244,144,000 for fiscal year 2011.

* * * * *

(k) HIGH-PRIORITY ACTIVITIES.—

(1) * * *

(2) SET ASIDE.—The Secretary may set aside from amounts made available by subsection (a) up to \$15,000,000 for each of fiscal years 2006 [through 2010 and \$6,370,000 for the period beginning October 1, 2010, and ending on March 4, 2011] *through 2011* for States, local governments, and organizations representing government agencies or officials described in paragraph (3) for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations (including activities and projects that are national in scope), increase public awareness and education, demonstrate new technologies, and reduce the number and rate of accidents involving commercial motor vehicles.

* * * * *

SUBCHAPTER III—SAFETY REGULATION

* * * * *

§ 31144. Safety fitness of owners and operators

(a) * * *

* * * * *

(g) SAFETY REVIEWS OF NEW OPERATORS.—

(1) * * *

* * * * *

(5) NEW ENTRANT AUDITS.—

(A) * * *

(B) SET ASIDE.—The Secretary shall set aside from amounts made available by section 31104(a) up to \$29,000,000 per fiscal year [(and up to \$12,315,000 for the period beginning October 1, 2010, and ending on March 4,

2011)】 for audits of new entrant motor carriers conducted pursuant to this paragraph.

* * * * *

DINGELL-JOHNSON SPORT FISH RESTORATION ACT

* * * * *

SEC. 4. (a) IN GENERAL.—For each of fiscal years 2006 【through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011,】 *through 2011*, the balance of each annual appropriation made in accordance with the provisions of section 3 remaining after the distributions for administrative expenses and other purposes under subsection (b) and for multistate conservation grants under section 14 shall be distributed as follows:

(1) * * *

* * * * *

(b) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—

(1) IN GENERAL.—

(A) SET-ASIDE FOR ADMINISTRATION.—From the annual appropriation made in accordance with section 3, for each of fiscal years 2006 【through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011,】 *through 2011* the Secretary of the Interior may use no more than the amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in the implementation of this Act, in accordance with this section and section 9. The amount specified in subparagraph (B) for a fiscal year may not be included in the amount of the annual appropriation distributed under subsection (a) for the fiscal year.

* * * * *

INTERNAL REVENUE CODE OF 1986

* * * * *

Subtitle I—Trust Fund Code

* * * * *

CHAPTER 98—TRUST FUND CODE

Subchapter A—Establishment of Trust Funds

* * * * *

SEC. 9503. HIGHWAY TRUST FUND.

(a) * * *

(b) TRANSFER TO HIGHWAY TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES.—

(1) * * *

* * * * *

(6) LIMITATION ON TRANSFERS TO HIGHWAY TRUST FUND.—

(A) * * *

(B) EXCEPTION FOR PRIOR OBLIGATIONS.—Subparagraph

(A) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before **March 5, 2011** *October 1, 2011*, in accordance with the provisions of this section.

(c) EXPENDITURES FROM HIGHWAY TRUST FUND.—

(1) FEDERAL-AID HIGHWAY PROGRAM.—Except as provided in subsection (e), amounts in the Highway Trust Fund shall be available, as provided by appropriation Acts, for making expenditures before **March 5, 2011** *October 1, 2011*, to meet those obligations of the United States heretofore or hereafter incurred which are authorized to be paid out of the Highway Trust Fund under **the Surface Transportation Extension Act of 2010, Part II** *the Surface Transportation Extension Act of 2011* or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).

* * * * *

(e) ESTABLISHMENT OF MASS TRANSIT ACCOUNT.—

(1) * * *

* * * * *

(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Mass Transit Account shall be available, as provided by appropriation Acts, for making capital or capital related expenditures (including capital expenditures for new projects) before **March 5, 2011** *October 1, 2011*, in accordance with **the Surface Transportation Extension Act of 2010, Part II** *the Surface Transportation Extension Act of 2011* or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).

* * * * *

SEC. 9504. SPORT FISH RESTORATION AND BOATING TRUST FUND.

(a) * * *

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—

(1) * * *

(2) EXPENDITURES FROM TRUST FUND.—Amounts in the Sport Fish Restoration and Boating trust Fund shall be available, as provided by appropriation Acts, for making expenditures—

(A) to carry out the purposes of the Dingell-Johnson Sport Fish Restoration Act (as in effect on the date of the enactment of the **Surface Transportation Extension Act of 2010, Part II** *Surface Transportation Extension Act of 2011*),

(B) to carry out the purposes of section 7404(d) of the Transportation Equity Act for the 21st Century (as in effect on the date of the enactment of the **Surface Trans-**

portation Extension Act of 2010, Part II] *Surface Transportation Extension Act of 2011*), and

(C) to carry out the purposes of the Coastal Wetlands Planning, Protection and Restoration Act (as in effect on the date of the enactment of the [Surface Transportation Extension Act of 2010, Part II] *Surface Transportation Extension Act of 2011*).

Amounts transferred to such account under section 9503(c)(4) may be used only for making expenditures described in subparagraph (C) of this paragraph.

* * * * *

(d) LIMITATION ON TRANSFERS TO TRUST FUND.—

(1) * * *

(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before [March 5, 2011] *October 1, 2011*, in accordance with the provisions of this section.

* * * * *

